

AMENDED IN ASSEMBLY MAY 16, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2762**

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**Introduced by Assembly Member Levine**

February 24, 2006

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An act to add Section 6530.5 to the Government Code, relating to joint powers authorities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2762, as amended, Levine. Joint powers authorities: Indian tribes.

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that 17 federally recognized Indian tribal ~~entities~~ *governments* may participate in the Southern California Association of Governments, a joint powers authority, ~~in transportation planning, programs, and projects for specified purposes and subject to specified conditions~~ in the 6-county region of the Southern California Association of Governments.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Seventeen tribal ~~entities~~ *governments* recognized by the
- 4 Bureau of Indian Affairs of the United States Department of the

1 ~~Interior own land~~ *and have land held in trust by the government of*  
2 *the United States* located within the boundaries of the jurisdiction  
3 of the Southern California Association of Governments.

4 (b) As the federally mandated metropolitan planning  
5 organization for Imperial, Los Angeles, Orange, Riverside, San  
6 Bernardino, and Ventura Counties, the Southern California  
7 Association of Governments is responsible for transportation  
8 planning in areas surrounding and adjacent to land ~~owned by the~~  
9 ~~17 tribal entities~~ *held in trust by the government of the United*  
10 *States for the 17 tribal governments* and located within the  
11 boundaries of its jurisdiction.

12 (c) As a council of governments, the Southern California  
13 Association of Governments is organized as a joint powers  
14 authority.

15 (d) Members of the Southern California Association of  
16 Governments joint powers authority include counties, cities, and  
17 county transportation commissions.

18 (e) The 17 tribal ~~entities~~ *governments* have undertaken, and  
19 intend to continue to undertake, transportation projects and  
20 programs on their lands located within the boundaries of the  
21 jurisdiction of the Southern California Association of  
22 Governments.

23 (f) Participation of the 17 tribal ~~entities~~ *governments* in the  
24 Southern California Association of Governments will facilitate  
25 coordination of transportation planning and programming within  
26 the six-county Southern California Association of Governments  
27 region.

28 (g) Enactment of this act will enable the 17 tribal ~~entities~~  
29 *governments* to participate as members of the Southern  
30 California Association of Governments *for specified purposes*  
31 *and subject to specified conditions*.

32 SEC. 2. Section 6530.5 is added to the Government Code, to  
33 read:

34 6530.5. (a) Notwithstanding any other provision of law, the  
35 following tribal ~~entities~~ *governments* are authorized to enter into  
36 a joint powers agreement to participate in the Southern California  
37 Association of Governments ~~for purposes of transportation~~  
38 ~~planning, programs, and projects~~ *to vote as members of its*  
39 *General Assembly*:

40 (a)

1 (1) Agua Caliente Band of Cahuilla Indians.

2 ~~(b)~~

3 (2) Augustine Band of Cahuilla Mission Indians.

4 ~~(c)~~

5 (3) Cabazon Band of Mission Indians.

6 ~~(d)~~

7 (4) Cahuilla Band of Mission Indians.

8 ~~(e)~~

9 (5) Colorado River Indian Tribes.

10 ~~(f)~~

11 (6) Chemehuevi Indian Tribe.

12 ~~(g)~~

13 (7) Death Valley Timbi-Sha Shoshone Band.

14 ~~(h)~~

15 (8) Fort Mojave Indian Tribe.

16 ~~(i)~~

17 (9) Morongo Band of Cahuilla Mission Indians.

18 ~~(j)~~

19 (10) Pechanga Band of Luiseno Missions Indians.

20 ~~(k)~~

21 (11) Quechan Tribe.

22 ~~(l)~~

23 (12) Ramona Band of Mission Indians.

24 ~~(m)~~

25 (13) San Manuel Band of Serrano Missions Indians.

26 ~~(n)~~

27 (14) Santa Rosa Band of Cahuilla Mission Indians.

28 ~~(o)~~

29 (15) Soboba Band of Luiseno Indians.

30 ~~(p)~~

31 (16) Torres-Martinez Desert Cahuilla Indians.

32 ~~(q)~~

33 (17) Twenty-Nine Palms Band of Mission Indians.

34 (b) *Nothing in this section shall be construed as extending the*  
35 *power of eminent domain to the tribal governments designated in*  
36 *subdivision (a).*

37 (c) *Nothing in this section shall be construed as extending the*  
38 *power to issue bonds pursuant to the Marks-Roos Local Bond*  
39 *Pooling Act of 1985 (commencing with Section 6584) to the*  
40 *tribal governments designated in subdivision (a).*

1     (d) *Nothing in this section shall limit tribal status and rights*  
2     *as sovereign governments, grant the tribal governments any of*  
3     *the rights, powers, and authority of local governments not*  
4     *addressed in subdivisions (b) and (c), nor obligate tribal*  
5     *governments to the responsibilities, requirements, and*  
6     *obligations of local governments, except as required for purpose*  
7     *of participating in the activities specified in subdivision (a).*

8     (e) *Any change to the nature or extent of the designated tribal*  
9     *governments' participation in the Southern California*  
10    *Association of Governments set forth in this section shall be*  
11    *subject to authorization by the Legislature.*

12    SEC. 3. The Legislature finds and declares that, due to the  
13    unique circumstances applicable to the Southern California  
14    Association of Governments, a statute of general applicability  
15    cannot be made within the meaning of subdivision (b) of Section  
16    16 of Article IV of the California Constitution.